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GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191			KING, BRADLEY T	
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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/600,834
Filing Date: June 23, 2003
Appellant(s): YATABE, SHUUCHI

MAILED

JUN 21 2007

GROUP 3600

Andrew M. Calderon
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 2/01/2007 appealing from the Office action mailed 3/08/2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is substantially correct.

WITHDRAWN REJECTIONS

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The following grounds of rejection are not presented for review on appeal because they have been withdrawn by the examiner.

The rejection under 112 2nd of claims 19 and 21.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5190125

Suzuki et al

3-1993

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-18 are rejected under 35 U.S.C. 102(b) as being anticipated by US 5190125.

US 5190125 discloses all the limitations of the instant claims including: a booster shell 12; a booster piston 17 accommodated inside the booster shall and partitioning the interior of the booster shell into a front side vacuum pressure chamber 16 communicating with a vacuum pressure source and a rear side operation chamber 17; a valve cylinder 18 communicating with the booster piston, the valve cylinder including: a valve piston 21 fitted into the valve cylinder to be slidale in a forward and rearward direction of the valve cylinder; an input rod 20 coupling with the valve piston at a front

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end thereof; a control valve 23 switching communication of the operation chamber with the vacuum pressure chamber and with air in accordance with a forward and rearward movement of the input rod between the valve piston and the valve cylinder; and an input return spring 29b for pushing the input rod backward, and the control valve including: an annular vacuum pressure introducing valve seat 18b formed in the valve cylinder; an atmosphere introducing valve seat 21a formed in the valve piston and arranged inside the vacuum pressure introducing valve seat; a valve body 22 including: an annular attaching bead portion (see figure 4) airtightly attached to the valve cylinder; an expansion cylinder portion 22b1 extending in the axial direction from the attaching bead portion; and an annular valve portion 22a communicating with a forward end portion of the expansion cylinder portion and opposed to the vacuum pressure introducing valve seat and the atmosphere introducing valve seat so as to seat thereon; and a valve spring 29a for pushing the valve portion so as to seat on the vacuum pressure introducing valve seat and the atmosphere introducing valve seat, wherein a first port communicating with the vacuum pressure chamber is opened on the outer circumferential side of the vacuum pressure introducing valve seat, a second port communicating with the operation chamber is opened between the vacuum pressure introducing valve seat and the atmosphere introducing valve seat in such a manner that the inner circumferential side of the valve portion is communicated with the atmosphere, the attaching bead portion is tightly held between a pair of cylindrical holding portions formed in a pair of valve holders 131a-b attached to the valve cylinder 18 and engaging an inner circumferential face of the valve cylinder, an annular recess portion (on 131a)

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and an annular protruding portion (on 131b) of the pair of cylinder holding portions are elastically engaged with each other (note spring 29b), and a diameter of the holding portion is smaller than the inner diameter of the valve cylinder.

Regarding claim 2, at least one 131a of the pair of valve holders is engaged on the inner circumferential face of the valve cylinder through a seal member 40.

Regarding claim 3-4, a cylindrical connecting portion engaging with an outer circumferential face of one valve holder having the holding portion for holding an inner circumferential face of the attaching bead portion is integrally formed in the other valve holder 131a having the holding portion for holding an outer circumferential face of the attaching bead portion.

Regarding claims 5-6, wherein a recessing (on 131a) and a protruding portion (on 131b) elastically engaged with each other are formed on respective engaging faces between the pair of valve holders.

Regarding claims 7-12, the valve portion 22a slidably fitted on the inner circumferential face of the valve cylinder 18, a forward annular chamber and a rear annular chamber (see figure 5) are formed in the valve cylinder, the forward annular chamber is communicated with the first port and the rear annular chamber is communicated with the second port, a forward annular chamber is closed by the front face of the valve portion when the valve portion is seated on the vacuum pressure introducing valve seat, and a back face of the valve portion is facing to a rear annular chamber (see figure 1).

(10) Response to Argument

The rejection of claim 1:

Regarding the rejection of claim 1 in view of Suzuki, it is maintained that the pair of holders 131 of Suzuki, when taken as a pair, are "attached to the valve cylinder and engaging an inner circumferential face of the valve cylinder". The claim language does not require that each holder of the pair engage the inner face. Claim limitations must be given the broadest reasonable interpretation. MPEP 2111. Further note that claim 2 further defines at least one of the pair of valve holders is engaged on the inner circumferential face through a seal member. Therefore, in light of claim 2, it follows that the holders do not need to directly engage the face, but can engage the face via another element. Holder 131b can also reasonably be interpreted as engaging the face via holder 131a. It is maintained that the rejection is proper.

Regarding the protrusion and recessed portions, it is maintained that Suzuki discloses these features. Element 131a has an annular recess portion (near the reference numeral, also receiving the spring and first retainer) and element 131b has a protruding portion (the bent outer portion) and the two portions "engage" each other as broadly recited by the claims.

Appellants arguments on page 14 regarding the "snap-like" fit mating, the cylindrical connection portion, the designation of front and rear holders, and the forward facing end are narrower than the invention of claim 1.

The rejection of claims 7-12:

It is maintained that Suzuki discloses a valve portion 22a slidably fitted (capable of sliding) on an inner circumferential face 18b, as broadly recited by the claims. Note there is no structure on the valve face 18b or the valve portion 22a which would prevent sliding movement. It is maintained that the rejections are proper.

The rejection of claim 16:

It is maintained that Suzuki discloses a cylindrical connecting portion (rearward extending portion of 131a) of a front holder which is engaged with an outer circumference of an engaging portion (bent portion of 131b) of a rear valve holder 131b of the pair of valve holders. The claim language does not preclude element 131a from being interpreted as a front holder and element 131b as the rear holder. It is maintained that the rejections are proper.

The rejection of claim 18:

It is maintained that the connecting portion (rearward extending portion of 131a) is engaged with the valve cylinder 18a. See figure 4.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

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For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

BTK

 6/11/07
BRADLEY KING
PATENT EXAMINER

Conferees:

Robert Siconolfi 

Meredith Petravick 